



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Confirmation No.: 8238

ANDERSEN et al.

Art Unit: 1653

Serial No.: 09/593,417

Examiner: David Lukton

Filed: June 14, 2000

Docket No.: 108281-00001

For: BIOLOGICALLY ACTIVE PEPTIDES AND COMPOSITIONS, THEIR USE

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Washington, D.C. 20231

Date: October 30, 2002

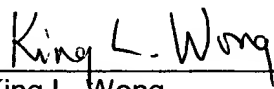
Sir:

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the information items listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each item is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the items be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- ☐ 1. This Information Disclosure Statement is being filed (a) within three months of the U.S. filing date, OR (b) before the mailing date of a first Office Action on the merits in the present application, OR (c) accompanies a Request for Continued Examination. No certification or fee is required.
- ☒ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).
- ☒ c. A check in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p). Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300 as needed to ensure consideration of the disclosed information.

- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered. Attached is our check in the amount of \$180.00 in payment of the petition fee under 37 CFR §1.17(i)(1). Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300 as needed to ensure consideration of the disclosed information.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).
- ☒ 4. Some of the references were cited in the International Search Report of a counterpart PCT application. An English language version of the search report was attached to the Information Disclosure Statement filed on June 14, 2000 for the Examiner's information.
- ☒ 5. A copy of Coleman et al., "Cytotoxic peptides from the marine sponge Cymbastela sp.", Tetrahedron (1995), pp 10653-62 is not provided since it was submitted with the Declaration Under 37 CFR 1.131, filed December 27, 1999, during prosecution of the parent application, Serial No. 08/930,584. The Crews P. et al. "Milnamide A, an Unusual Cytotoxic Tripeptide from the Marine Sponge Auletta cf. constricta", J. Org. Chem. (1994); 59(11):2932-2934 reference was cited by the Office Action mailed September 12, 2002 and a copy is not provided.
- ☒ 6. A copy of an English language version of a search report from a corresponding Hungarian application, as well as a copy of an abstract of a reference cited therein, is attached.

Respectfully submitted,

  
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Enclosures: PTO Form 1449 with eight (8) references  
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